

Figure 6-1. Basic Contract Provisions Checklist

Provision Type	Examples	
Standard Contract Provisions	<ul style="list-style-type: none"> Governing laws of the State, county, and/or Federal Entity under whose purview the contract will be governed Agreement duration of the start and end periods of the contract and possible extensions Document incorporation and order of precedence (i.e., controlling order) Scope of contract Contract amendment provisions Subcontracting provisions Interpretation and disputes Contractor hold-harmless clause Force majeure Record retention Reporting requirements Confidentiality provisions Affirmative Action provisions Indemnification provisions of patents and copyrights 	<ul style="list-style-type: none"> Key personnel provision Termination provisions System acceptance criteria System warranty provisions Maintenance provisions Payment provisions Charges to be reported by contractors to the State agency Liquidated damages Notice provisions QA provision Risk of loss or damage provision Ownership of source code provision specifications (SOW) Training provisions Out-of-scope services Contractor bond provisions (for action as an irrevocable letter of credit) Limitation of liability clause Ownership of materials provisions Jointly developed materials provisions
FNS-Required Provisions (based on 7 CFR 3016)	<ul style="list-style-type: none"> Compliance with Executive Order 11246 related to Equal Employment Opportunity Compliance with Section 306 of the Clean Air Act Compliance with Section 508 of the Clean Water Act Compliance with the Anti-Lobbying Act Compliance with Americans with Disabilities Act Compliance with Drug-Free Workplace requirements Compliance with suspension/debarment requirements FNS has royalty-free rights to use software and documentation developed 	
Commonly Found Provisions	<ul style="list-style-type: none"> Executory clause Non-assignment clause Comptroller's approval Workers' compensation benefits Wage and hours provisions International boycott prohibition Conflict of interest 	<ul style="list-style-type: none"> Fair practices Antitrust Publicity Reduction of Federal or State funding Penalty clause Off-set rights Insurance provisions